

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:

City of Detroit, Michigan,

Debtor.

Bankruptcy Case No. 13-53846

Judge Thomas J. Tucker

Chapter 9

**STIPULATION BY AND BETWEEN THE CITY OF DETROIT,
MICHIGAN AND HRT ENTERPRISES FOR EXPUNGEMENT OF CLAIM
NUMBER 1361**

The City of Detroit, Michigan (“City”) and HRT Enterprises (“Claimant”;
and collectively with the City, the “Parties”) stipulate and agree as follows:

WHEREAS, on February 18, 2014, Claimant filed proof of claim number
1361 (“Claim 1361”);

WHEREAS, on November 12, 2014, the Court entered the Order
Confirming Eighth Amended Plan for the Adjustment of Debts of the City of
Detroit (the “Confirmation Order”) [Doc. No. 8272], which provided in pertinent
part:

In accordance with Section III.D.4 of the Plan, except as specifically
provided otherwise in the Plan or this Order, as of the Effective Date,
pursuant to sections 524(a)(1), 524(a)(2) and 944(b) of the
Bankruptcy Code, all debts of the City shall be, and hereby are,
discharged . . . *provided that*, ...in accordance with section 944(c)(1)
of the Bankruptcy Code, such discharge shall not apply to . . . (d)
Claims of ...(ii) HRT Enterprises. . . . related to condemnation or
inverse condemnation actions against the City alleging that the City
has taken private property without just compensation in violation of

the Takings Clause of the Fifth Amendment to the United States Constitution.

Confirmation Order, ¶ 30.

WHEREAS, Claimant and the City have now met, conferred and reached the following agreement regarding Claim 1361:

1. As a Claim expressly excluded from discharge in this bankruptcy case pursuant to paragraph 30 of the Confirmation Order, Claim 1361 will be expunged from the claims register maintained in the Case as a matter of administrative convenience. However, such expungement is not intended to, nor shall it, enlarge or constrict or otherwise affect any substantive or procedural right provided to HRT Enterprises (“HRT”) or the City under paragraph 30 of the Confirmation Order. Subject to the terms of the Confirmation Order, HRT expressly reserves any and all claims against the City, and the City expressly reserves any and all defenses to Claim 1361 (and any other claims of the Claimant).

2. Nothing in this Stipulation is intended to, or will, postpone, waive, modify or amend any substantive or procedural right or remedy of either of the Parties under the Confirmation Order or otherwise.

3. This Court retains jurisdiction over any and all matters arising from the interpretation or implementation of this Stipulation.

4. The City’s claims and noticing agent, Kurtzman Carson Consultants, is authorized to update the claims register to reflect the terms of this Stipulation.

NOW, THEREFORE, the Parties respectfully request that the Court enter an order in the form attached hereto as Exhibit 1.

Stipulated and agreed to on October 31, 2019:

MILLER CANFIELD PADDOCK & STONE, PLC

By: /s/ Marc N. Swanson

Marc N. Swanson (P71149)

150 West Jefferson, Suite 2500

Detroit, Michigan 48226

Telephone: (313) 496-7591

Facsimile: (313) 496-8452

swansonm@millercanfield.com

Counsel for the City of Detroit, Michigan

DEMOREST LAW FIRM, PLLC

By: /s/ Melissa Demorest LeDuc

Melissa Demorest LeDuc (P68867)

322 West Lincoln Ave.

Royal Oak, MI 48067

Telephone. (248)723-5500

melissa@demolaw.com

Attorneys for Creditor HRT Enterprises

EXHIBIT 1

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:

City of Detroit, Michigan,

Debtor.

Bankruptcy Case No. 13-53846

Judge Thomas J. Tucker

Chapter 9

**ORDER GRANTING STIPULATION BY AND BETWEEN THE CITY OF
DETROIT, MICHIGAN AND HRT ENTERPRISES FOR EXPUNGEMENT
OF CLAIM NUMBER 1361**

This matter having come before the Court on the *Stipulation By and Between the City of Detroit, Michigan and HRT Enterprises For Expungement of Claim Number 1361* (the “Stipulation”)¹; the parties having stipulated to the expungement of Claim 1361; and the Court being otherwise fully informed:

IT IS HEREBY ORDERED THAT:

1. As a Claim expressly excluded from discharge in this bankruptcy case pursuant to paragraph 30 of the Confirmation Order, Claim 1361 will be expunged from the claims register maintained in the Case as a matter of administrative convenience. However, such expungement is not intended to, nor shall it, enlarge or constrict or otherwise affect any substantive or procedural right provided to HRT Enterprises or the City under paragraph 30 of the Confirmation Order.

¹ Capitalized terms used but not otherwise defined in this Order shall have the meanings given to them in the Stipulation.

Subject to the terms of the Confirmation Order, HRT Enterprises expressly reserves any and all claims against the City, and the City expressly reserves any and all defenses to Claim 1361 (and any other claims of the Claimant).

2. Nothing in this Order is intended to, or will, postpone, waive, modify or amend any substantive or procedural right or remedy of either of the Parties under the Confirmation Order or otherwise.

3. This Court retains jurisdiction over any and all matters arising from the interpretation or implementation of this Order.

4. The City's claims and noticing agent, Kurtzman Carson Consultants, is authorized to update the claims register to reflect the terms of this Order.